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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,568	10/05/2001	Brad K. Fayette	064731.0187	5350

5073 7590 06/06/2006

BAKER BOTTS L.L.P.
2001 ROSS AVENUE
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DALLAS, TX 75201-2980

EXAMINER

DIVECHA, KAMAL B

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Claims 1, 3-5, 11, 13-15, 17, 20 and 22 are pending in this application.

Reopening of Prosecution After Appeal Brief or Reply Brief

In view of the Appeal Brief filed on 3/17/2006, PROSECUTION IS HEREBY REOPENED. The Office Action sets forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claims 1, 3-5, 11, 13-15, 17, 20 and 22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims are directed to a computer program, which is not embodied in a computer-readable storage media, and the computer program also does not produce concrete, useful and tangible results.

Art Unit: 2151

2. Claims 1, 3-5, 11, 13-15, 17, 20 and 22 are rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility.

The claims fail to disclose any utility and/or practical application.

Note: For more information on 35 U. S. C. 101, please refer to 101 guidelines available on USPTO web site.

Conclusion

An attempt and/or telephone call was made by the examiner on May 17, 2006, in order to resolve the 35 U. S.C. 101 rejections with respect to claims 1, 3-5, 11, 13-15, 17, and 20, but did not result in a resolution of the rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on Increased Flex Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2151

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kamal Divecha
Art Unit 2151
May 26, 2006.

Khanh Dinh
Primary Examiner